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Attorneys for Defendants  
CITY OF SANTA ROSA; RICH CELLI, an individual and Officer of the  
SANTA ROSA POLICE DEPARTMENT; TRAVIS MENKE,  
an individual and Officer of the SANTA ROSA POLICE DEPARTMENT;  
and PATRICIA SEFFENS f/k/a PATRICIA MANN, an individual  
and Officer of the SANTA ROSA POLICE DEPARTMENT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, et al.,

Case No. C 07-3386 JSW

Plaintiffs,

**CONDITIONAL NON-OPPOSITION TO  
PLAINTIFFS' MOTION *IN LIMINE*  
NO. 3:  
EXCLUDE LAY OPINIONS  
(NEIGHBOR)**

v.

CITY OF SANTA ROSA, et al.,

Defendants.

Hon. Jeffrey S. White

Pretrial Conference: July 2, 2012  
Time: 2:00 p.m.  
Ctm: 11, 19<sup>th</sup> Floor

Trial Date: September 4, 2012

Defendants' hereby submit the following *conditional non-opposition* to Plaintiffs' Motion  
*in limine* No. 3:

Plaintiffs seek to exclude any evidence of or reference to percipient witness Joseph  
Silny's testimony regarding Richard Desantis' "attempting to kill himself when he confronted  
the police".

Defendants conditionally do not oppose the motion. That said, the witness in question is  
a non-party, percipient witness, and the defense is limited in its ability to instruct him regarding  
the existence and legal effect of the court's order re the scope of his testimony. Construing

1 plaintiff's Motion *in limine* no 3. to seek the court's order barring defense questions regarding  
2 Mr. Silny's opinion re Richard Desantis' intent and motivation as implied from his conduct, the  
3 defense conditionally does not oppose the motion.

4 Dated: June 18, 2012

OFFICE OF THE CITY ATTORNEY

5 \_\_\_\_\_/s/

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7 Caroline L. Fowler, City Attorney  
8 John J. Fritsch, Assistant City Attorney  
9 Attorney for Defendants  
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